

1 Terrence R. McInnis (#155416)
(tmcinnis@rdblawn.com)
2 Siavash Daniel Rashtian (#228644)
(drashtian@rdblawn.com)
3 ROSS, DIXON & BELL, LLP
5 Park Plaza, Suite 1200
4 Irvine, California 92614-8529
Telephone: (949) 622-2700
5 Facsimile: (949) 622-2739

6 Monique M. Fuentes (#205501)
(mfuentes@rdblawn.com)
7 ROSS, DIXON & BELL, LLP
2001 K Street, NW
8 Washington, DC 20006-1040
Telephone: (202) 662-2000
9 Facsimile: (202) 662-2190

10 *Attorneys for Defendant and Cross-Defendant Executive Risk*
11 *Specialty Insurance Company*

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 LENSRAFTERS, INC., and EYEXAM OF
15 CALIFORNIA, INC.,

16 Plaintiffs,

17 v.

18 LIBERTY MUTUAL FIRE INSURANCE
COMPANY; EXECUTIVE RISK SPECIALTY
19 INSURANCE COMPANY; UNITED STATES
FIRE INSURANCE COMPANY;
20 WESTCHESTER AMERICAN INSURANCE
COMPANY and WESTCHESTER FIRE
21 INSURANCE COMPANY,

22 Defendants.

23 AND RELATED CROSS-ACTIONS

No. C07-02853 SBA

[Related Case No. C 04-01001 SBA]

**STIPULATION AS TO DATE OF
SERVICE OF WESTCHESTER FIRE
INSURANCE COMPANY'S CROSS-
COMPLAINT ON CROSS-
DEFENDANT EXECUTIVE RISK
SPECIALTY INSURANCE COMPANY
DEFENDANT**

24
25 WHEREAS, on July 18, 2007, Westchester Fire Insurance Company ("Westchester")
26 electronically filed a cross-complaint against, among others, cross-defendant Executive Risk
27 Specialty Insurance Company ("ERSIC");
28

1 WHEREAS, ERSIC had not appeared in this action at the time the cross-complaint was
2 filed and was not served electronically with the cross-complaint, and has not been formally served
3 with the cross-complaint in any other manner;

4 WHEREAS, ERSIC has agreed that service of Westchester's cross-complaint shall be
5 deemed effective as of August 15, 2007;

6 WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(2), ERSIC's response to Westchester's
7 cross-complaint is due September 4, 2007;

8 NOW THEREFORE, the Parties hereby STIPULATE that service of Westchester's
9 cross-complaint is effective as of August 15, 2007, and ERSIC has to and including September 4,
10 2007 to answer or otherwise respond to Westchester's cross-complaint.

11
12 Date: August 15, 2007

Respectfully submitted,

ROSS, DIXON & BELL, LLP

13
14
15 /s/ Terrence R. McInnis
Terrence R. McInnis

16 and

17 Monique M. Fuentes
18 Siavash Daniel Rashtian

19 *Attorneys for Defendant and Cross-Defendant*
20 *Executive Risk Specialty Insurance Company*

21 HARRIS, GREEN & DENNISON

22
23 /s/ Robert D. Dennison
Robert D. Dennison

24 and

25 Gary L. Green
26 *Attorneys for Defendant, Cross-complainant and*
27 *Cross-Defendant Westchester Fire*
28 *Insurance Company*